

**House File 55 - Introduced**

HOUSE FILE 55

BY MCKEAN

**A BILL FOR**

1 An Act changing the date of the primary election.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 43.7, Code 2019, is amended to read as  
2 follows:

3 **43.7 Time of holding.**

4 The primary election by all political parties shall be held  
5 at the usual voting places of the several precincts on the  
6 first Tuesday after the first Monday in ~~June~~ September in each  
7 even-numbered year.

8 Sec. 2. Section 43.73, subsection 1, Code 2019, is amended  
9 to read as follows:

10 1. Not less than ~~sixty-four~~ forty-six days before the  
11 general election the state commissioner shall certify to each  
12 commissioner, under separate party headings, the name of each  
13 person nominated as shown by the official canvass made by the  
14 executive council, or as certified to the state commissioner  
15 by the proper persons when any person has been nominated by  
16 a convention or by a party committee, or by petition, the  
17 office to which the person is nominated, and the order in which  
18 federal and state offices, judges, constitutional amendments,  
19 and state public measures shall appear on the official ballot.

20 Sec. 3. Section 43.76, Code 2019, is amended to read as  
21 follows:

22 **43.76 Withdrawal of nominated candidates.**

23 1. A candidate nominated in a primary election for any  
24 office for which nomination papers are required to be filed  
25 with the state commissioner may withdraw as a nominee for that  
26 office on or before, but not later than, the ~~eighty-first~~  
27 fiftieth day before the date of the general election by so  
28 notifying the state commissioner in writing.

29 2. A candidate nominated in a primary election for any  
30 office for which nomination papers are required to be filed  
31 with the commissioner may withdraw as a nominee for that  
32 office on or before, but not later than, the ~~seventy-fourth~~  
33 fifty-fifth day before the date of the general election by so  
34 notifying the commissioner in writing.

35 Sec. 4. Section 43.77, subsection 3, Code 2019, is amended

1 to read as follows:

2     3. The person nominated in the primary election as the  
3 party's candidate for that office subsequently withdrew as  
4 permitted by [section 43.76](#), was found to lack the requisite  
5 qualifications for the office, or died, at a time not later  
6 than the ~~eighty-first~~ fiftieth day before the date of the  
7 general election in the case of an office for which nomination  
8 papers must be filed with the state commissioner and not later  
9 than the ~~seventy-fourth~~ fifty-fifth day before the date of the  
10 general election in the case of an office for which nomination  
11 papers must be filed with the county commissioner.

12     Sec. 5. Section 43.78, subsections 2 and 3, Code 2019, are  
13 amended to read as follows:

14     2. The name of any candidate designated to fill a vacancy  
15 on the general election ballot in accordance with subsection  
16 1, paragraph "a", "b", or "c" shall be submitted in writing  
17 to the state commissioner not later than 5:00 p.m. on the  
18 ~~seventy-third~~ forty-sixth day before the date of the general  
19 election.

20     3. The name of any candidate designated to fill a vacancy  
21 on the general election ballot in accordance with subsection  
22 1, paragraph "d", "e", or "f" shall be submitted in writing to  
23 the commissioner not later than 5:00 p.m. on the ~~sixty-ninth~~  
24 fifty-fifth day before the date of the general election.

25     Sec. 6. Section 43.79, Code 2019, is amended to read as  
26 follows:

27     **43.79 Death of candidate after time for withdrawal.**

28     The death of a candidate nominated as provided by law for  
29 any office to be filled at a general election, during the  
30 period beginning on the ~~eighty-first~~ fiftieth day before the  
31 general election, in the case of any candidate whose nomination  
32 papers were filed with the state commissioner, or beginning  
33 on the ~~seventy-third~~ fifty-fifth day before the general  
34 election, in the case of any candidate whose nomination papers  
35 were filed with the commissioner, and ending on the last day

1 before the general election shall not operate to remove the  
 2 deceased candidate's name from the general election ballot. If  
 3 the deceased candidate was seeking the office of senator or  
 4 representative in the Congress of the United States, governor,  
 5 attorney general, senator or representative in the general  
 6 assembly or county supervisor, [section 49.58](#) shall control. If  
 7 the deceased candidate was seeking any other office, and as a  
 8 result of the candidate's death a vacancy is subsequently found  
 9 to exist, the vacancy shall be filled as provided by chapter  
 10 69.

11 Sec. 7. Section 53.2, subsection 1, paragraph a, Code 2019,  
 12 is amended to read as follows:

13 a. Any registered voter, under the circumstances specified  
 14 in [section 53.1](#), may on any day, except election day, and not  
 15 more than ~~one hundred twenty~~ forty-five days ~~prior to~~ before  
 16 the date of the general election and not more than seventy days  
 17 before the date of any other election, apply in person for an  
 18 absentee ballot at the commissioner's office or at any location  
 19 designated by the commissioner. However, for those elections  
 20 in which the commissioner directs the polls be opened at noon  
 21 pursuant to [section 49.73](#), a voter may apply in person for an  
 22 absentee ballot at the commissioner's office from 8:00 a.m.  
 23 until 11:00 a.m. on election day.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
 26 the explanation's substance by the members of the general assembly.

27 This bill changes the date of holding the primary election  
 28 from the first Tuesday after the first Monday in June in each  
 29 even-numbered year to the first Tuesday after the first Monday  
 30 in September in each even-numbered year. The dates for other  
 31 deadlines related to the primary and general election are  
 32 changed accordingly. Additional corresponding changes may be  
 33 required.